GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. K. Srinivas Vittal Kamath, Manufacturer of Distilled Water and Battery Acid, Lower Car street, Mangalore-1.

Award of the Labour Court, Mangalore—published.

Read the following papers:—

(1) Letter No. ID/7/71/71-72 dated 21st May 1971 from Sri Mohd. Hammeeduddin Khan, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE.

Dated 21st May 1971.

REFERENCE (ID) (LCM) No. 7 of 1971.

Present :

Mohd. Hameeduddin Khan, B.Sc., LL.B.,
Presiding Officer.

Between :—

Sri Srinivasa Naik, S/o Rama Naik, Murgimatt Compound, Mangalore-3 ... *I Party*

AND

Management of M/s. K. Srinivas Vittal Kamath, Manufacturer of Distilled Water and Battery Acid, Lower Car Street, Mangalore-1 ... *II Party*

The Government of Mysore being of opinion that an Industrial dispute exists between the workmen and the management of M/s. K. Srinivas Vittal Kamath, Manufacturer of Distilled Water and Battery Acid, Lower Car Street, Mangalore-1 referred it under Section 10 (1)(c) of the Industrial Disputes Act, 1947 *vide* Order No. FCL 753 LLD 70, dated 23rd March, 1971 to this Labour Court at Mangalore for adjudication on the following points of dispute :

"I. Are the management of M/s. K. Srinivas Vittal Kamath, Manufacturers of Distilled Water and Battery Acid Lower Car Street, Mangalore-1, justified in refusing employment to Srinivas Naik with effect from 22nd May 1970 ?

II. If not, to what relief is the said workman entitled ? "

2. On receipt of the reference it was registered as Reference (ID) (LCM) No. 7 of 1971 on the file of this Court, and notices were issued to both the parties to file their claim and counter statements. The first party is represented by Sri P. Ghate, and the second party is represented by Mr. Eric Sequeira. The claim statement of the first party was filed on 8th April 1971, and the counter statement of the second party was filed on 23rd April 1971. The following additional issues were framed apart from the points of dispute on 23rd April 1971 in view of the pleadings :—

1. Whether the present dispute is an industrial dispute and whether this Court is competent to adjudicate upon this dispute ?

2. Whether the first party workman left the service of the second party of his own accord and for better prospects from 22nd May 1970 ?

3. Whether the first party workman was discharging his duties properly and satisfactorily under the second party during his service and as such the refusal of employment to him or termination of service from 22nd May 1970 is not justified ?

4. What award ?

Thereafter the case was posted to 17th May 1971 for the evidence of the first party. But on 17th May 1971 Sri Saduddin, who is also representing the second party in this case, stated that there is likelihood of compromise. Therefore, this case was posted to 21st May 1971 for settlement. Today the 21st May 1971 both the representatives of the parties filed a joint memo of settlement under their signatures. Hence it was accepted. Now in view of this joint memo of settlement, there is no need to reiterate the facts of the claim and counter statements filed by the parties. In my view, the terms of the Joint memo of settlement are just,

fair and reasonable. Hence accepting the terms of the joint memo of settlement, I make the following award :—

AWARD

An award is passed in the terms of the Joint memo of settlement, copy of which shall form part of this award. No order as to costs.

Mangalore,
21st May 1971.

Md. HAMEEDUDDIN KHAN.
Presiding Officer,
Labour Court, Mangalore.

Before the Labour Court at Mangalore.
(ID) No. 7/71.

Between :—

Srinivas Nayak ... ... *I Party*

and

The management of K. Srinivas Vittal Kamath, Mangalore-1
... ... *II Party*

JOINT MEMO OF SETTLEMENT

Parties to the above dispute jointly submit as under :—

1. The above dispute has been settled amicably out of Court. The II Party agrees to pay Rs. 125-00 (Rupees one hundred and twenty-five only) to the I party workman in full and final settlement of all his claims and the I Party accepts the above amount as such.

2. The above amount will be paid in two instalments within one month from this date.

3. Parties pray that an award may be passed in terms of the above settlement.

Prays accordingly.

Mangalore	Sd. (Prabhakar Khate)	Sd. (Eric Sequeira)
21-5-1971	First Party	Second party.

Recorded. File.

(Sd.) MOHD. HAMEEDUDDIN KHAN,
Presiding Officer.
Labour Court, Mangalore.
21-5-1971.

"COPY"

MOHD. HAMEEDUDDIN KHAN
Presiding Officer,
Labour Court, Mangalore.

ORDER.

Bangalore, dated the 28th May 1971.

S. O. 1103.—WHEREAS by State Government Order No. FCL 753 LLD 70, dated 23rd March 1971 the Industrial Dispute between the Workmen and the Management of M/s K. Srinivas Vittal Kamath, Manufacturer of Distilled Water and Battery Acid, Lower Car street, Mangalore-1, was referred to the Labour Court, Mangalore for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 61 LLA 71.]

By Order and in the name of the President of India,

ANIRUDHA DESAI,
Under Secretary to Government,
Food, Civil Supplies and Labour Department.